IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

Crl.Rev.Pet.No. 109 of 2001()

CRA.67/1996 of SESSIONS COURT, MANJERI
CC.356/1994 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II, PERINTHALMANNA

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REVN. PETITIONER: APPELLANT/ACCUSED

PADINJAREVEETTIL MANOJ
S/O.MADHAVAN NAIR, MANKADA AMSOM
P.O.VELLILA.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: RESPONDENTS/DEFACTO COMPLAINANT

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1. SUB INSPECTOR OF POLICE
   KOLATHUR.

2. STATE OF KERALA, REPRESENTED BY THE
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.R.P.NO.109/2001

ORDER ON CRL.M.P.NO.468/2001 IN CRL.R.P.NO.109/2001

DISMISSED

22.10.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

Crl.R.P.No.109 of 2001

Dated this the 22nd day of October, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 279 and 337 IPC and sentenced to undergo R.I. for three months each for the offences under Sections 279 and 337 IPC.

2. The prosecution case is that on 30.4.1994 at about 8.35 a.m., the accused being driver of the bus bearing registration No.KL.10B.3663 drove it in a rash and negligent manner so as to endanger human life along the Perinthalmanna-Kulathur public road and when it reached at Onappada hit against a side wall and as a result of which CWs' 1 to 18, the passengers in the bus sustained injuries.

3. The evidence adduced in the matter consisted of the testimony of PWs' 1 to 24 and Exts. P1 to P24.

4. It is found from the evidence of the witnesses that the bus was driven in over speed and that there was no mechanical defect to the vehicle. Of course, the passengers have sustained only minor injuries as per the evidence of PWs' 10 and 24, the

doctors, and Exts. P4 to P19 and Ext. P20 to P22 wound certificates. PW14 is the AMVI and Ext. P3 is the inspection report of the vehicle. In the circumstances and in view of the evidence of the witnesses and the fact that the identity stands proved from Ext. P24 trip sheet, I find that no interference is called for. Hence, the conviction is confirmed.

5. Counsel for the revision petitioner has pleaded for leniency pointing out that about 13 years have elapsed since the commencement of the proceedings and the accused was so far facing the ordeal of criminal proceedings. In the circumstances, I find that the sentence of imprisonment can be avoided. Hence, the sentence is modified to pay a fine of Rs.1,000/- and in default, to undergo simple imprisonment for two weeks for the offence under Section 279 IPC and to pay a fine of Rs.500/- and in default, to undergo simple imprisonment for 7 days for the offence under Section 337 IPC.

The revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

Crl.M.C.No.3021/2002

ORDER

18/10/2007